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Dean Kunicki
Five S Properties, LTD
2940 Kuehner Drive
Simi Valley, CA 93063

REVISED CONDITIONAL CERTIFICATION FOR PROPOSED HUMMINGBIRD'S NEST RANCH PROJECT (CORPS' PROJECT NO. 2002-00232-JWM), UNNAMED TRIBUTARY TO ARROYO SIMI, CITY OF SIMI VALLEY, VENTURA COUNTY (FILE NO. 02-069)

Dear Mr. Kunicki:

Regional Board staff has reviewed your request on behalf of Hummingbird's Nest Ranch (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 1, 2002.

I hereby certify that any discharge from Hummingbird's Nest Ranch Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Ms. Parvaneh Khayat, Section 401 Program, at (213) 576-5733.

[ORIGINAL SIGNED BY]

September 29, 2003

Dennis A. Dickerson
Executive Officer

Date

California Environmental Protection Agency

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For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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ATTACHMENT A

Project Information File No. 02-069

1. Applicant: Dean Kunicki
Five S Properties, LTD
2940 Kuehner Drive
Simi Valley, CA 92614
Phone: (805) 577-1569 Fax: (805) 583-1527
2. Applicant's Agent: Larry Lodwick
Impact Sciences
30343 Canwood Street, Suite 210
Agoura Hills, CA 91301
Phone: (818) 879-1100 Fax: (818) 879-1440
3. Project Name: Hummingbird's Nest Ranch
4. Project Location: City of Simi Valley, Ventura County
Latitude: 34° 17' 30"N; 118° 39'00"W
Township: T2N; Range: R17W; Section 3
5. Type of Project: Bridge Installation and Road Widening
6. Project Description: *Purpose:* The purpose of this proposed project is to upgrade and widen the roads located on the ranch property.

Description:
The proposed project will consist of the installation and construction of the following:

An entrance triple box culvert. The entrance triple box culvert measures 45 feet by 25 feet (0.026 acre) and the mare barn double box culvert measures 30 feet by 25 feet (0.017 acre). Both of the culverts will have an energy dissipater apron constructed with grouted riprap that will extend 15 feet further down the streambed. Permanent impacts due to the construction of the entrance and mare barn culverts total approximately 0.026 acre.

Wingwall construction will also take place. The wingwall construction permanent impacts are minimal and total

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approximately 400 square feet (0.009 acre) at the entrance box culvert. The mare barn box culvert replaces an existing culvert that had been constructed with broken asphalt, bricks and concrete. All of the non-native material has been removed and the banks recreated with clean fill to allow compaction. New wingwall sides will be constructed for this box culvert. Permanent impacts due to construction of the wingwalls for the box culvert total approximately 200 square feet (0.005 acre). Permanent impacts due to the wingwalls total approximately 0.014 acre.

The modification of Pipe Culvert 1 from a 40 foot in length with grouted riprap on either end of the pipes to 80 feet in length and the pipe will outlet into the wingwall constructed on the southwest side of the entrance box culvert. No grouted riprap will be required at the downstream end. Permanent impacts due to the modification to Pipe Culvert 1 totals approximately 0.011 acre.

The replacement of Pipe Culvert 2 with a new polyurethane pipe and grouted riprap at the upstream and downstream ends of the pipe. The riprap measures approximately 10 feet by 15 feet and the pipe is 40 feet in length. No riparian vegetation grows in the tributary at this location; therefore, no riparian vegetation was disturbed during the culvert replacement. This construction replaced an existing culvert and the total area that was disturbed during the replacement is 0.004 acre.

The installation of riprap measuring 15 feet in width and 50 feet in length at Pipe Culvert 3. This tributary contains upland plant species; therefore, no riparian vegetation was impacted during construction of the culvert. Permanent impacts due to the construction of Pipe Culvert 3 totals approximately 0.004 acre.

The total permanent impacts due to the construction activities at the project site are approximately 0.102 acres.

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| 7. Federal
Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 33 (Permit No. 2002-00232-JWM) |
| 8. Other Required
Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement (Notification No. 5-2002-0166) |

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| 9. California Environmental Quality Act (CEQA) Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 (Existing Facilities). |
| 10. Receiving Water: | Unnamed tributary to Arroyo Simi (Hydrologic Unit No. 403.67) |
| 11. Designated Beneficial Uses: | MUN, IND, GWR, FRSH, REC-1, REC-2, WARM, WILD, and RARE |
| 12. Impacted Waters of the United States: | Non-wetland waters (vegetated streambed): 0.04 temporary acres |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years. |
| 15. Avoidance/Minimization Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• Replace existing culvert crossing with bridges. |
| 16. Compensatory Mitigation: | <p>The Applicant has committed to the enhancement of 0.7 acres of wetland habitat onsite in order to offset the temporal loss of 0.04 acres of vegetated streambed.</p> |

See Attachment B for Conditions of Certification.

ATTACHMENT B

Conditions of Certification File No. 02-069

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

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4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore the proposed **0.04 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
8. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporal loss of **0.102 acres** of Federal jurisdictional wetlands by enhancing 0.714 acres of

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Federal jurisdictional wetland habitat (7:1 area replacement ratio). The mitigation site shall be located entirely within the Hummingbird's Nest Ranch area and shall be maintained in perpetuity as a habitat mitigation area to the extent feasible unless otherwise approved by this Regional Board. The location of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board prior to any disturbance within waters of the United States. The Applicant shall include with this submittal, copies of any agreements made between the Applicant and a third-party organization regarding compensatory mitigation efforts.

9. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1st** of each year for a period of **five (5) years** after planting.
10. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **02-069**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
11. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
12. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

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- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.